

REMARKS

The Office examined claims 1-13 and 15-36, and rejected each. The claims are variously amended. Claims 1-13 and 15-36 are pending.

Claim Rejections 35 USC 103:

At page 3, part 5 of the Office Action, claims 1, 4-6 & 9-18 are rejected under 35 USC 103(a) as being obvious over US Pat. Pub. No 2002/0004840 to *Harumoto et al.* in view of Pat. Pub. No. US 2002/0003799 to *Tomita*. The pending independent claims rejected under 35 USC 103(a) are 1, 4-5, 9-10, 13 & 15.

The objective of the invention as disclosed by *Harumoto* is to provide a method for preventing streaming downloads in a video decoder from being disrupted due to underflows and overflows in the network jitter buffer. This is caused by fluctuating delay conditions in the network. As a result of this identified problem *Harumoto* teaches, as cited by the Examiner in [0132], of a parameter *S\_target*, where the parameter is determined based on the entire capacity of the buffer in the receiving device. The purpose of the parameter is therefore to control the buffering size required by the system in order to overcome fluctuations in network activity.

The objective of the present invention is to solve a different problem of reducing the amount of buffering required by a media codec driven by the need when a coding system transmits and encodes pictures/ frames in a different order from which they are displayed and outputted. Consequently, the parameter as claimed in amended claim 1 of the present invention depends on and is determined by different factors to those which the parameter *S\_target* depend on as taught by *Harumoto*.

In particular, the independent claims hereof do not read on the *Harumoto et al* disclosure. *Harumoto et al* describe their *S\_target* parameter as follows:

[0132] In the above (1), the parameter "S\_target" is a target value for the data amount to be stored in the buffer by the terminal 102, and determined based on the entire capacity ("S\_max") of the buffer included in the terminal 102 (in the example of FIG. 3, the reception buffer 505 and the decoder buffer 508) and the transmission capacity of the network 103. Therefore, the parameter "S\_target" generally varies in value depending on the type of the terminal 102.

This does not involve defining a parameter concerning transmission units preceding and following any transmission unit, in contrast to the limitation of the original claim 1, which appeared (in the Amendment filed August 13, 2009) as follows, before the above amendment (emphasis supplied):

1. (Currently Amended) A method comprising:

receiving media data, and

buffering the media data in a buffer, the media data being included in data transmission units, the data transmission units ordered in a transmission order which is at least partly different from a decoding order of the media data in the data transmission units, wherein a parameter is defined indicative of the maximum number of data transmission units that precede any one of data transmission units in a packet stream in the transmission order and follow the data transmission unit in the decoding order to be provided to a decoder to determine buffering requirements.

Rather, the *Harumoto* parameter S\_target has to do with external factors such as fluctuation of the transmission capacity of the network which merely cause S\_target to be changed in magnitude. There is nothing in the cited passages of *Harumoto* or in the [0132] paragraph of *Harumoto* that the parameter limitation of claim 1 reads onto. Moreover, the parameter S\_target is transmitted from the receiving device to the server (i.e. the sending device) whereas in the present application the parameter is provided to the decoder (i.e. the receiving device). See, for example, paragraph [0131] of *Harumoto*:

[0131] (1) The command "SETUP" from the terminal 102 to the server 101 are attached with parameters "S\_target" and "T\_delay". When transmitting the data streams, the server 101 controls the transmission speed based on these parameters. (Emphasis added)

Although claim 1 has now been amended it retains essentially the same limitation concerning the definition of the parameter as follows (emphasis supplied):

1. (Currently amended) A method comprising:  
receiving media data, and  
buffering the media data in a buffer, the media data being included in data transmission units, the data transmission units ordered in a transmission order which is at least partly different from a decoding order of the media data in the data transmission units, wherein a parameter is defined indicative of the maximum number of data transmission units that precede any data transmission unit in a packet stream in the transmission order and follow the data transmission unit in the decoding order; and ~~to be~~  
providing said parametered to a decoder to determine buffering requirements.

The other independent claims contain similar limitations.

This again emphasizes the very greatly different technical content between *Harumoto* and that of the present disclosure.

The maximum number disclosed by *Tomita* is clearly different from the claimed parameter. The referred paragraph [0058] discloses:

[0058] Referring to FIG. 12, if the PCR reading section of the data transmission device 1 determines that a TS packet is received without any PCR added thereto, the data transmission device 1 sequentially adds TS packets to the data section of the RTP packet being prepared by the RTP packet preparing section 14. When the number of TS packets contained in the data section of the RTP packet input by way of the PCR reading section 12 gets to the predetermined maximum TS packet number, the RTP packet preparing section 14 supplies the RTP packet to the data transmitter 15. Then, the data transmission device 1 completes the preparation of the IP packet containing the maximum number of TS packets in the data section of the RTP packet and then externally transmits it.

This section only discloses that the data section can contain a certain maximum number of TS packets. Hence, the transmission device includes no more than the maximum number of TS packets in one RTP packet. Moreover, these packets are included in the RTP packet in their original order. There is no indication whatsoever in *Tomita* which could indicate that the TS packets could be transmitted in an order which is different from the decoding order and that a parameter is defined indicative of the maximum number of data transmission units that precede any one of data transmission units in a packet stream in the transmission order and follow the data transmission unit in the decoding order.

The applicant respectfully submits that *Tomita* does not cure the deficiencies of *Harumoto et al.*

In light of the remarks presented above, and for at least the same reasons, the combined teachings of *Harumoto* in view of *Tomita* do not teach all the features of the main independent claims. Applicant therefore respectfully requests that all rejections under 35 USC 103(a) be reconsidered and withdrawn. Consequently, all subsequent dependent claims should be allowed for at least the same reasons since they rely on the features of the respective independent claims. Applicant therefore respectfully requests that all rejections under 35 USC 103(a) be reconsidered and withdrawn.

At page 8, part 6 of the Office Action, claims 2-3, 7-8 & 19 are rejected under 35 USC 103(a) as being unpatentable over *Harumoto et al* in view of in view of US Pat. Pub. No. 2002/0003799 to *Tomita* in further view of US Pat. Pub. No. 2004/0005007 to *Viscitto et al.*

In light of the remarks presented above, and for at least the same reasons, the combined teachings of *Harumoto* in view of *Tomita* in further view of *Viscitto* do not teach all the features of the main independent claims. Applicant therefore respectfully requests that all rejections under 35 USC 103(a) be reconsidered and withdrawn.

The rejections of the Office Action of October 30, 2009, having been obviated by amendment or shown to be inapplicable withdrawal thereof is requested and passage of all pending claims to issue is earnestly solicited.

Respectfully submitted,

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